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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

JEFFREY BLAKE WOLFE,

Defendant and Appellant.

D053965

(Super. Ct. No. SCN242818)

APPEAL from a judgment of the Superior Court of San Diego County, Daniel B. Goldstein, Judge. Affirmed.

Jeffrey Blake Wolfe entered a negotiated guilty plea to driving with a blood alcohol level of .08 percent or more (Veh. Code, § 23152, subd. (b))<sup>1</sup> with a prior conviction of section 23153 (§ 23550.5, subd. (a)). The court sentenced him to prison for the two-year middle term. Wolfe appeals. We affirm.

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<sup>1</sup> All statutory references are to the Vehicle Code.

## BACKGROUND

In March 2008 Wolfe drove a vehicle with a blood alcohol level of more than .08 percent. He had a prior conviction under section 23153 within the past 10 years.

## DISCUSSION

Appointed appellate counsel has filed a brief summarizing the facts and proceedings below. Counsel presents no argument for reversal, but asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436. Pursuant to *Anders v. California* (1967) 386 U.S. 738, counsel lists, as possible but not arguable issues, (1) whether Wolfe was properly advised of his constitutional rights and the consequences of his plea and whether he voluntarily waived his rights; and (2) whether the court abused its discretion by failing to grant him probation.

We granted Wolfe permission to file a brief on his own behalf. He has not responded. A review of the record pursuant to *People v. Wende, supra*, 25 Cal.3d 436, including the possible issues listed pursuant to *Anders v. California, supra*, 386 U.S. 738, has disclosed no reasonably arguable appellate issues. Wolfe has been competently represented by counsel on this appeal.

**DISPOSITION**

The judgment is affirmed.

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McCONNELL, P. J.

WE CONCUR:

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HUFFMAN, J.

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McDONALD, J.